

From: David Joham
To: Microsoft ATR
Date: 1/28/02 1:01am

To whom it may concern,

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

I have been a software developer working with Microsoft and its competitor's products for over ten years. During this time, I have personally witnessed many overt acts of anti-competitiveness by Microsoft that have directly harmed my clients. When Microsoft was found guilty of being a monopoly, I was optimistic that at last, this behavior would be ended.

Much to my disappointment, the proposed settlement will do little to change the behavior of this monopolist in my situation. Specifically, since my company is a small solution provider, section III.B allows Microsoft to continue their threats of retaliation if my company so much as hosts a training seminar with one of their competitors.

While my situation may be viewed as an issue with a small group of Microsoft representatives, I believe that this small group accurately reflects the culture of the company at large. This culture has directly cost my clients many thousands of dollars and will continue to do them harm well into the future if the proposed remedy is allowed to stand.

Specifically, the proposed remedy does little to prevent Microsoft from bringing harm to my company if I propose solutions to my clients that involve non-Microsoft software, even when this software is cheaper, more suited to their task and more appropriate to their situation.

In addition to the above concerns, I believe that the proposed settlement has other serious flaws as well. However, I felt it best if I focused on how the settlement impacted me directly and let others speak about the more general aspects of the settlement.

To that end, I would like to echo the comments made by Dan Kegel, whose comments can be viewed at <http://www.kegel.com/remedy/letter.html> . I strongly support his overall comments on the proposed settlement and would like to add my voice to his.

Thank you for your time and attention in this matter. If there is any more information that I may provide to you to help you in your deliberations, please feel free to contact me.

Best regards,

David Joham

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